

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 226 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

( No. 1 to 5 NO )

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HD PATEL

Versus

STATE OF GUJARAT

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Appearance:

1. Special Civil Application No. 226 of 1986

MR DR BHATT for Petitioner

LD.GOV'T. COUNSEL MR. L.R.POOJARI for Respondent No. 1

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CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 14/08/97

ORAL JUDGEMENT

Petitioner H.D. Patel comes before this Court by way of present petition with a grievance regarding the deemed date of his promotion. The grievance voiced by the petitioner is that, he was at Sr. No. 96 in the Seniority List of PSIs as on January 01, 1975. According

to him, certain PSIs junior to him came to be promoted to the cadre of PIs, and later on, out of them, some were able to secure the promotion to a still higher rank of Dy. S.P. The case of the petitioner is that, there was no reason to deny him the promotion atleast when his juniors came to be promoted.

The affidavit-in-reply would go to show that, the petitioner came within the zone of consideration for the first time in year 1969, and his case for promotion came to be considered by the Departmental Promotion Board (The Board) in its meeting held in the month of January, 1968. It is said that, on that occasion the petitioner was not found to be fit for promotion, and later on, his case for promotion came to be considered by the Board in the Board meetings which were held in 1969, 1970, 1971, 1972, 1973, 1974, 1976, 1977, 1979, 1982 and in year 1984, but in the aforementioned meetings of the Board, the petitioner was not found to be fit for the promotion, and therefore, the petitioner was not promoted to the cadre of P.I. It is also made clear in the affidavit that, C.R. No. 109 of 1982 came to be registered against the petitioner at Vadnagar Police Station and that, he was required to be placed under suspension. It is also pointed out that, later on, there were acquittal orders passed by the Id. Additional Sessions Judge, Mehsana, and he was reinstated in service in December 1983. But the petitioner was then required to retire prematurely on 27th March 1987 on his attaining the age of 55 years. It is also stated that, later on the petitioner came to be convicted by this Court in Criminal Appeal No. 765 of 1983 under the orders dated October 22, 1994, and came to be sentenced for six years for the offence punishable under section 304 read with section 114 I.P.C., and to the R.I. for 2 1/2 years, and to a fine of Rs.100-00 for the offence punishable under section 201, read with section 114 I.P.C.

Looking to the above said record of the petitioner, it is apparent that, no fault can be found with the Respondents when the petitioner could not be promoted along with his juniors. The present petition therefore fails and the same requires to be dismissed. I order accordingly. Rule shall stand discharged. No costs.

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/vgn.

